

Application No.: 10/064,830

Docket No.: JCLA9625

REMARKS**Present Status of the Application**

Upon entry of the amendments in this response, claims 1-13 are pending of which the independent claim 1 has been amended without prejudice or disclaimer in order to more explicitly describe the claimed invention. It is believed that no new matter is added by way of amendments made to the independent claim 1. For at least the foregoing reason, applicants respectfully submit that claims 1-13 patently define over prior art of record and reconsideration of this application is respectfully requested.

Discussion for objection to claims under 35 U.S.C.102 (b)

3. *Claims 1-3, and 6 are rejected under 35 U.S.C.102 (b) as being anticipated by Thomas (US patent no. 5,587,250)*

Thomas discloses electronic circuit connected to the two power sources is adapted to condition the output of the power source.(see col. 3, lines 12-22) The circuit is considered to control complementary charge and complementary discharge between the battery element and the capacitor element.

In response thereto, applicants respectfully traverse the objections based on the following arguments and thus withdrawal of objections to the claims 1-3 and 6 is respectfully requested. To establish a prima facie case of anticipation, US patent no. 5,587,250 (Thomas, hereinafter referred to as Thomas) should teach every element disclosed in the independent claims 1 in the present invention. First of all, in col. 3, lines 12-22, in Thomas, there only discloses the electronic circuitry

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16 is able to condition the output of the first and the second energy sources, in addition to providing safety, assuring the absence of short circuit when connected to a load. Furthermore, the examiner's allegation that the circuit is considered to control complementary charge and complementary discharge between the battery element and the capacitor element do not be supported by Thomas at all. This allegation is considered to be made up by the examiner as a ground for rejecting the claims. To more clarify the subject matter of the independent claim 1, the description of one element is amended; that is "an electronic controller to control complementary charge and complementary discharge between said battery element and said capacitor element" is amended to be "an electronic controller for controlling complementary charge and complementary discharge between said battery element and said capacitor element."

As stated above, to establish a prima facie case of anticipation, Thomas should teach all elements disclosed in the independent claims 1. Therefore, Thomas at least fails to teach, suggest or disclose "an electronic controller for controlling complementary charge and complementary discharge between said battery element and said capacitor element," as claimed in the amended claim 1.

In response to the examiner's allegation that the independent claim 1 fail to impart sufficient structure to the controller which would differentiate the structure of the controller of the independent claim 1 from that of Thomas, as discussed in the preceding two paragraphs, an electronic controller for controlling complementary charge and complementary discharge between said battery element and said capacitor element, as claimed in the independent claim 1, should be a sufficiently-described element that is able to differentiate the electronic circuitry 16 of the prior art (i.e. Thomas) because it at least fails to disclose "electronic circuitry 16 for complementary charge

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between the first and the second energy sources." Therefore, the amended independent claim 1 is not anticipated by Thomas and accordingly patentable under 35 U.S.C. 102(b).

Discussion for objection to claims under 35 U.S.C.103 (a)

6. Claims 1-3 and 6 are rejected under 35 U.S.C.103 (a) as being unpatentable over Thomas in view of Lian (U.S. Patent No. 5,563,765)

In response thereto, applicants respectfully traverse the objections based on the following arguments and thus withdrawal of objections to the claims 1-3 and 6 is respectfully requested. As state above, the amended independent claim 1 is not anticipated by Thomas. Accordingly, even if a combination Thomas and Lian could be made, this combination still fails to teach, suggest or disclose a limitation of "an electronic controller for controlling complementary charge and complementary discharge between said battery element and said capacitor element," as claimed in the amended independent claim 1.

Regarding to dependent claims 2-13, no matter whether they are conventional, they should be patentable as a matter of law for the reason that they contain all limitations of their patentable base independent claim 1.

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CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-13 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,
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